IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 275 OF 2007
IN
CRIMINAL APPEAL NO. 232 OF 2007

Mr. Santosh Bajirao Jagtap ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. Dilip Bodke, Advocate for the applicant.
Mr. D.P.Adsule, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 20TH MARCH, 2007.

P.C.

. Heard Mr. Dilip Bodke, learned Counsel for the applicant and Mr. Adsule, learned APP for the State. The applicant was convicted for the offence punishable under section 376 of Indian Penal Code and was sentence to undergo R.I. for 10 years and to pay fine of Rs.5000/-. The applicant has preferred an appeal against conviction and sentence and that appeal is admitted. By this application, the applicant seeks to be released on bail pending final hearing and disposal of the appeal.

2. It appears that the incident of this case had allegedly taken place on 28/4/2005, when the acucsed/ applicant had taken the prosecutrix and her brother on

his motorcycle and at some distance he made her brother to get down from the motorcycle and after that he committed rape on the girl. The report of the incident was lodged by mother of the girl on 2/6/2006, that is almost 35 days after the incident. During the trial, the applicant was on bail. In fact in Criminal Application No. 106/2006, by order dated 30th June, 2006, this Court had granted bail, in view of the fact that the accused is not only related to the complainant but he had also lodged a report against the complainant and her husband on 1/6/2005, and on that basis a proceeding was commenced against the complainant and her husband under Section 110 r/w section 151 of Cr.P.C. Next day after that the complainant lodged this report alleging that her daughter was raped by the acucsed on 28/4/2005. In view of these facts and the fact that the applicant was on bail during the trial and that there is no allegation of misuse of the same, I find that he may be granted bail pending this appeal also.

3. Pending the appeal, the applicant be enlarged on bail on his executing P.R. of Rs. 15,000/- with surety in like amount with the condition that he shall not misuse the bai l.

(J.H. BHATIA, J.)